

## PLANNING COMMISSION MINUTES

The Winchester Planning Commission held its regular meeting on Tuesday, August 18, 2015, at 3:00 p.m. in Council Chambers, 15 N. Cameron Street, Winchester, Virginia.

### CALL TO ORDER:

PRESENT: Chairman Slaughter, Commissioner Smith, Commissioner Wolfe, Commissioner Tagnesi

ABSENT: Vice-Chairman Loring, Commissioner Shickle, Commissioner Fieo

EX OFFICIO: City Manager Freeman

FREDERICK CO. LIAISON: Commissioner Kenny

STAFF: Tim Youmans, Aaron Grisdale, Josh Crump, Erick Moore, Carolyn Barrett

VISITORS: Michael Alharmoosh , Gwen Hoopes

### APPROVAL OF MINUTES:

Chairman Slaughter called for corrections or additions to the minutes of July 21, 2015. Hearing none, he called for a motion. Commissioner Tagnesi moved to approve the minutes as submitted. Commissioner Wolfe seconded the motion. Voice vote was taken and the motion passed 4-0.

### CORRESPONDENCE:

Tim Youmans stated there was a revised agenda. The only addition to the draft is line item 6A #3, an additional administrative authorization for the Chick-Fil-A drive-thru at 2230 South Pleasant Valley Road. There are revised staff reports for two cases – Item 2A, **CUP-15-383** and an e-mail from the resident at 701 Kennedy Drive and Item 2B, **CUP-15-388** with an e-mail from the property owner at 805 South Braddock Street.

### CITIZEN COMMENTS:

None.

### REPORT OF THE FREDERICK COUNTY PLANNING COMMISSION LIAISON:

The County has not had a meeting this month. There will be a meeting tomorrow evening with one action item –a waiver of a subdivision request at Jackson’s Retreat. There are some discussion items concerning condominiums and storage facilities.

### PUBLIC HEARINGS:

**CUP-15-383** Request of ANS Property LLC for a Conditional Use permit for extended stay lodging at 2649 Valley Avenue (Map Number 290-06- -1) zoned Highway Commercial District (B-2) with Corridor Enhancement District Overlay zoning.

Mr. Crump stated the applicant is intending to convert the hotel into extended stay lodging. He outlined the request from the applicant and the updated renderings of the kitchen units and floor plans. There

has been a hotel on the site since the 1970's. The applicant would like to cater more towards people traveling for business purposes. There are also future plans for repairs to be made to the parking lot and landscaping. Mr. Crump read the definition for extended stay lodging. He also talked about going through the checklist for the application. Taxes on the property are up-to-date. There have been citizen comments about safety. Mr. Crump checked with the police department and found there had been a significant number of calls in the past four years. A condition has been added which states that after a certain number of calls, the applicant will be required to submit a security facility management plan for review by the police chief.

Commissioner Wolfe asked if the property owners anticipate raising the rates to offset the costs once the renovations are complete. Mr. Crump said that would be a question for the applicant. Chairman Slaughter asked about the conditions for the six month review, was it a one-time review or every six months. Mr. Crump said it was a one-time review. Mr. Youmans said it would hinge upon what was found at six months. Chairman Slaughter asked if they were compliant at six months then would there be any subsequent reviews unless there were complaints. Mr. Crump said it would have to be determined by the police chief. Mr. Youmans said there were general parameters in the zoning ordinance that could trigger a review in terms of possible action by City Council to revoke the conditional use permit. Mr. Grisdale said if there identified items of any conditional use permit then it can be recommended that it go back to City Council for review.

Commissioner Shickle asked about property security and if there was a possibility of creating more buffering between the residences and the hotel. Mr. Crump said it could be looked at it when they bring in a new site plan for review.

#### **Chairman Slaughter opened the public hearing**

Michael Alharmoosh, 2649 Valley Avenue, stated the property was acquired in January 2015. The objective is to cater to business travelers. People want a nice, clean place to stay in. The property has close to five acres and a lot of greenery. There will be more landscaping between the hotel and the residential area behind it. There will be two gated entrances requiring a card to enter. Cameras will be installed around the property. There will be office staffing from 7:00am to 10:00pm. According to the police, they have had fewer calls since the property was taken over. The rates will be comparable to what they are charging at their Brookfield property. The smallest room is 360 square feet and the largest is about 500 plus square feet. The rooms have been remodeled with new furniture, flat screened TV, kitchen, cable and Internet. There is a plan to create a business center and possibly a spa.

#### **Chairman Slaughter closed public hearing closed**

Chairman Slaughter asked if the ordinance was the same as the one Mr. Grisdale was working on several months ago. Mr. Grisdale said it was a separate item.

Commissioner Tagnesi said there is a limited amount of extended stay facilities in the city and he would recommend this for approval.

*Commissioner Tagnesi made a motion to forward **CUP -15-383** to City Council recommending approval per Sections 8-2-19 of the Zoning Ordinance because the proposal, as submitted, will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood. The approval is subject to:*

1. *Weekly maid service provided for all 76 units to ensure consistency with definition of the units as accommodations serving business travelers, not primary residences; and,*
2. *A typical floor plan to be submitted to City staff showing kitchen facilities are provided for all 76 units; and,*
3. *No occupancy of any individual(s) shall be for a period of longer than 9 months within a 12 month period; and,*
4. *No more than three criminal police calls, as determined by the Chief of Police, may be attributable to the facility within a thirty day continuous period, after which a facility security management plan shall be submitted to and approved by the Chief of Police; and,*
5. *A six month review of compliance with the permit shall be conducted by staff. Any substantial issues of noncompliance shall cause the CUP to be brought back to City Council for modification or revocation of the permit; and,*
6. *Staff review and approval of the required site plan.*

*Commissioner Wolfe seconded the motion. Voice vote was taken and the motion passed 4-0.*

**CUP-15-388** Request of Peter S. Grasso Jr. of Grasso & Sons Development LLC for a Conditional Use permit for a single-family detached dwelling at 2413 Valley Avenue (Map Number 270-03- -13) zoned Highway Commercial District (B-2) with Corridor Enhancement (CE) District Overlay zoning.

Mr. Crump stated that the staff report was updated on August 17, 2015. He outlined the changes made in the update and the motions available. The first floor would be business and the second floor residential. The upstairs tenant is planning on opening an acupuncture office in the near future.

Commissioner Tagnesi asked if it would qualify as a medical facility. Mr. Youmans said it would not, it would be a home occupation. Chairman Slaughter asked if another type of business wanted to come in and occupy the first floor, could that be done. Mr. Crump said the conditional use permit was just for the single family residence use.

**Chairman Slaughter opened the public hearing**

**Chairman Slaughter closed the public hearing**

*Commissioner Wolfe made a motion to forward **CUP -15-388** to City Council recommending approval per Sections 8-2-11 of the Zoning Ordinance because the proposal, as submitted, will not adversely affect the health, safety or welfare of persons residing or working in the neighborhood nor be detrimental to public welfare or injurious to property or improvements in the neighborhood. The approval is subject to:*

1. *Staff review and approval of the required site plan.*
2. *The parking improvements as shown in the site plan are completed prior to the issuance of the Certificate of Occupancy.*

*Commissioner Shickle seconded the motion. Voice was taken and the motion passed 4-0.*

**SD-15-384** Request of Pennoni Associates Inc. on behalf of Oakcrest Builders Inc. for a preliminary subdivision approval for a 10-lot subdivision at 715 South Braddock Street (Map Number 212-1-C-8) zoned Central Business (B-1) District.

Mr. Youmans reviewed the details of the request. The property is not in any overlay district. The applicant would like to subdivide it into nine townhouse lots and one common area. Because it is more than three lots, it constitutes a major subdivision and a public hearing is required at the review phase. An e-mail from Danny Ambrose on Braddock Street expressed concerns about parking and the emergency snow route. Mr. Crump said it was actually a phone conversation and he had relayed the information in an e-mail. The applicant is providing more than the required parking.

Commissioner Tagnesi asked if there were any handicap parking spots on South Braddock Street. Mr. Youmans said he was not aware but they are generally on a request basis from the police department. Commissioner Shickle asked questions about the parking spaces that will be made available. Mr. Youmans spoke about the parking requirements and what is planned.

Chairman Slaughter asked about what ensures that two bedroom units are built according to the renderings. Mr. Youmans said none however; they would need to adhere to the lot requirements when they apply for building permits. Chairman Slaughter asked how trash was going to be handled. Mr. Youmans said it would probably be handled by each unit.

#### **Chairman Slaughter opened the public hearing**

Chairman Slaughter asked John Barker where residents would keep trash cans. He said the homes would have patio areas in the back where the cans can be stored.

Gwen Hoopes, 17 West Pall Mall Street, asked for assurance from the City that on-street parking was going to occur. It is a very congested area and she has trouble finding parking and so do other residents. Parking is already an issue with homes and businesses taking up parking spaces. It is too crowded. She is surprised that the City requires only four parking spaces for the development. She is happy that the corner is going to be developed but thinks the City needs to look for assurances on the parking.

#### **Chairman Slaughter closed the public hearing**

Commissioner Shickle asked if there was no development planned, would people know they could park there. Mr. Youmans said there was going to be 20 spaces total for the 9 unit development.

*Commissioner Shickle moved that the Commission approve Preliminary Subdivision **SD-15-384** and forward Final Subdivision **SD-15-384** to City Council recommending approval with a waiver of the green space requirement as shown on the plans. The recommendation is subject to staff review and approval of the Deed of Dedication and HOA documents, including an annual budget for maintenance of common elements.*

*Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 4-0.*

**TA-15-376** An ordinance to amend and reenact Articles 1, 17, 18 and 21 of the Winchester Zoning Ordinance pertaining to definitions; nonconforming structures; permit requirements for family day homes; powers, procedures, and ex parte communications of the Board of Zoning Appeals; and violations and penalty.

Mr. Grisdale stated this was a publicly initiated zoning ordinance text amendment that has been presented over the past couple of months. There are some changes to the Board of Zoning Appeals and family day homes.

**Chairman Slaughter opened the public hearing**

**Chairman Slaughter closed the public hearing**

*Commissioner Tagnesi moved that the Planning Commission forward **TA-15-376** with a favorable recommendation because the ordinance as presented provides for good planning practice in ensuring that the City's Zoning Ordinance is consistent with mandatory provisions of the Code of Virginia.*

*Commissioner Wolfe seconded the motion. Voice vote was taken and the motion passed 4-0.*

**NEW BUSINESS:**

**SV-15-406** An ordinance to vacate a portion of an alley right of way between 328 and 400 Highland Avenue and convey it to the owner(s) of 400 Highland Avenue.

Mr. Youmans reviewed the details of the ordinance request. There are no objections from adjoining property owners. From a planning standpoint, there is no reason why vacation of the alley would conflict with any long range plans.

Commissioner Tagnesi asked if it would be possible to get something in writing from the property owner who said he did not want the alley. Mr. Youmans said City Council would review it between first and second readings and it would be confirmed. Commissioner Tagnesi asked about the charge of fifty cents. Mr. Youmans said it would be up to City Council to determine the compensation. There are no guidelines as to what is charged. Commissioner Shickle asked questions about ownership of the property. Mr. Youmans clarified who the property would be conveyed to.

*Commissioner Shickle made a motion to forward **SV-15-406** to City Council recommending approval of vacation and conveyance of the subject alley to the owner of 400 Highland Avenue to be assembled into that property because the request does not conflict with the Comprehensive Plan.*

*Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 4-0.*

Resolution to initiate **RZ-15-421** An ordinance to rezone approximately 16.4 acres of land containing approximately 96 parcels, either in full or in part, to be included in the Corridor Enhancement (CE) District; as depicted on an exhibit entitled: "National Avenue Proposed CE District" prepared by Winchester Planning Department on June 23, 2015.

Mr. Youmans reviewed the resolution. There was a public information meeting with a small turnout the week before. Most people were more concerned about the roundabout. There were some questions about code enforcement.

*Commissioner Shickle made a motion to initiate **RZ-15-421**.*

*Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 4-0.*

**TA-15-441** An ordinance to amend and reenact articles 1, 7, 8, 9, 10, 11, 12, 13 and 18 of the Winchester Zoning Ordinance pertaining to the definition of brewery, distillery, microdistillery, microbrewery, nanobrewery, tasting room and winery, parking requirements and use standards.

Mr. Grisdale reviewed the ordinance amendment. There have been questions over the years about the types of uses listed.

Commissioner Shickle asked about special event uses.

*Commissioner Wolfe made a motion that the Planning Commission initiate **TA-15-441** per the attached resolution.*

*Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 4-0.*

**OLD BUSINESS:**

None

**OTHER BUSINESS:**

**SP-15-426** – Minor revision – 555 Adams Drive, Five Star Auto Spa.

*Chairman Slaughter called for questions from the Commission. Hearing none, he called for a motion. Commissioner Wolfe moved to authorize administrative approval **SP-15-426** as submitted. Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 4-0.*

**SP-15-422** – Major revision – 715 South Braddock Street, Old Town Commons.

*Chairman Slaughter called for questions from the Commission. Hearing none, he called for a motion. Commissioner Wolfe moved to authorize administrative approval **SP-15-422** as submitted. Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 4-0.*

**SP-15-451** – Minor revision – 2230 South Pleasant Valley Road, Chick-Fil-A double drive thru.

*Chairman Slaughter called for questions from the Commission. Hearing none, he called for a motion. Commissioner Wolfe moved to authorize administrative approval **SP-15-451** as submitted. Commissioner Tagnesi seconded the motion. Voice vote was taken and the motion passed 4-0.*

**ADJOURN**

With no further business before the Commission, the meeting adjourned at 4:21 p.m.